

### **REMARKS**

This responds to the Office Action dated July 6, 2010. Claims 1-6 and 8 have been amended, claims 40-47 are cancelled and claims 17-33 were previously cancelled. As a result, claims 1-16 and 34-39 remain pending in this application. The allowance of claims 12 and 34-39 is noted and appreciated.

Applicants respectfully submit that the amendments and additions to the claims are fully supported by the specification, as originally filed, and that no new matter has been added. Applicants hereby respectfully request reconsideration of the application in view of the following remarks.

#### **Claim Rejections Under 35 U.S.C. §103(a)**

Claims 1-4 and 6 were rejected in the Office Action under 35 U.S.C. §103(a) as obvious over U.S. Patent No. 4,697,464 to *Martin* in view of U.S. Patent No. 4,706,158 to *Weber*. Independent Claim 1 has been amended to recite, in part, “a diagnostic circuit including a plurality of operational amplifiers for comparing a plurality of detected voltage levels to a plurality of reference voltage levels that correspond to a plurality of operation conditions. . . wherein at least one of said plurality of operational amplifiers communicates with said at least one indicator light to indicate the presence of an operation condition.” It is respectfully submitted that neither *Martin* nor *Weber* disclose or suggest a diagnostic circuit.

#### **Martin**

Regarding *Martin*, the test panel 30 is operably connected to the pressure washer 50 and includes a plurality of *gauges* for displaying a number of sensed parameters associated with various operating ranges on the gauges which may be viewed by the operator. It is respectfully submitted that the test panel itself of *Martin* has absolutely no diagnostic capabilities but rather only senses and measures parameters and displays the output of such measurements on *gauges*.

This requires the user to read, understand, and analyze the output measurement displayed on the gauges and then to make any judgments about the operational condition of the pressure washer. *Martin* even notes that the test panel only enables analysis and does not provide analysis of the operating parameters of the washer. Col. 6, lines 15-26.

*Weber*

*Weber* uses a single operational amplifier to identify a single parameter of an electrical device, the input voltage level to a motor 25, and to automatically make adjustments to the device without indicating anything to the user. The circuitry of *Weber* only compares the input voltage level at the motor with preset high and low voltage thresholds, such as provided by adjustable resistors 188 and 194-1 in Fig. 4. If the voltage at the motor is too high or too low (block 34 in Fig. 1), a thyristor switch “H” 44 is activated, or a thyristor switch “L” 48 is activated, to change the tap R1 or R2 on a field winding 22 of motor 25. The electrical device lacks any display or indicator of a high or low voltage condition or even that the circuit of *Weber* has changed to a different tap on the field winding of the motor. Also, it is noted that the word “display” cannot be found anywhere in the *Weber* patent by conducting a key word search.

Combination of *Martin* and *Weber*

In order for a reference or combination of references to form the basis of a rejection under § 103(a), a *prima facie* case of obviousness must be established. Obviousness is determined by construing the scope of the prior art, identifying the differences between the claims and the prior art, determining the level of skill in the pertinent art at the time of the invention and considering objective evidence present in the application indicating obviousness or non obviousness. *Graham v. John Deere*, 383 U.S. 1, 17 (1966).

To support a conclusion that a claim would have been obvious, *all* of the claimed elements must have been known in the prior art and one skilled in the art must have been able to combine the elements as claimed by known methods with no change in their respective functions, and the combination must have been able to yield nothing more than predictable results to one of ordinary skill in the art. *KSR International Co. v. Teleflex, Inc.*, 550 U.S. 398, 401 and 415-417 (2007). Applicants respectfully submit that due to the differences between the claims and the cited references, the shortcomings of which are discussed immediately above, the Office Action has not established a *prima facie* case of obviousness. Simply put, the combination of *Martin* in view of *Weber* would not establish that each limitation of the independent claim 1 was known in the prior art or combinable into a single functional device.

As noted above, *Martin* is directed to a portable test panel which includes a plurality of gauges for displaying a sensed parameter of an attached pressure washer on the range of the gauge. It is left to a user or operator of the pressure washer to read the gauges and make a determination as to the current operation condition of the pressure washer. The Office Action also recognizes that *Martin* lacks disclosing operational amplifiers and indicator lights.

For the operational amplifiers, the Office Action seeks to combine *Martin* with *Weber's* disclosure of a single operational amplifier to identify a voltage level at a motor. However, *Weber* lacks any teaching of displaying the output of its operational amplifier in order to notify the user of the operation condition of an electrical device. Therefore, one skilled in the art would not have been motivated to combine *Weber* and *Martin* because *Weber* was not concerned with notifying the user of the output of the operational amplifier and *Martin* was only concerned with identifying and displaying values associated with a sensed parameter. The ultimate operation

condition of the pressure washer based on the sensed parameter would have to be evaluated and determined by the user.

The Office Action also states that it would have been obvious to one of ordinary skill in the art to substitute the gauges of *Martin* with gauges that illuminate. However, substituting the gauges of *Martin* with ones that illuminate in order to indicate the level of a parameter of the pressure washer would be of absolutely no benefit because the user needs to be able to precisely identify the reading of the gauge in order to identify the issue with the pressure washer and whether an important level of a parameter has been reached. It is respectfully submitted that the turning on and off of a gauge would be of absolutely no benefit in *Martin*, and *Weber* has absolutely no concern for notifying the user of the operating condition of an electrical device.

Trying to read these references inappropriately and out of context, and to then apply hindsight results in an improper rejection that is based on a product for which there was no motivation or likelihood of successfully completing such a combination. Simply put, this attempt to combine separate references is based on improper hindsight after seeing Applicants' disclosure. The Federal Circuit has held that it is impermissible to engage in hindsight reconstruction of the claimed invention by using the applicant's structure as a template and selecting elements from references to fill in the gaps. *In re Gorman*, 933 F.2d 892 (Fed. Cir. 1991).

For at least these reasons, independent claim 1 is not anticipated or made obvious by *Martin* in view of *Weber*. Because dependent claims 2-11 and 13-16 depend from allowable independent claim 1 and add further limitations thereto, each of these claims also should be allowable. It is to be noted that Applicants reserve the right to traverse the rejections of these dependent claims separately, and in more detail, at a later time.

### **Conclusion**

For at least the foregoing reasons, in addition to the previously allowed claims 12 and 34-39, it is believed that Claims 1-11 and 13-16 also patentably distinguish over the prior art.

It is believed that no fees are due with this response. However, if any fees are necessary, Applicants hereby authorize the Director to charge any underpayment of fees, or credit any overpayments, to Deposit Account No. 50-1039.

It is submitted that the above amendments place the application in condition for allowance. Accordingly, a favorable action is respectfully requested.

The Examiner is invited to telephone the undersigned at (312) 334-8579 to facilitate prosecution of this application.

Respectfully submitted,

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